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Senate

The Senate met at 10 a.m. and was called to order by the Honorable ROLAND W. BURRIS, a Senator from the State of Illinois.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O, Lord, our Redeemer, abide with our Senators through the passing hours of another day. Strengthen them to stand firm for those good and eternal values that keep a nation strong. Lord, give them the courage to do the right even when others are doing wrong. Remind them that You are the pilot of their lives who can guide them to a desired destination. Let discretion preserve them and understanding keep them, protecting them from the forces of evil. Save them from pride that mistakes their abilities for possessions, and keep them humble enough to see their need for You.

We pray in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROLAND W. BURRIS led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 5, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROLAND W. BURRIS, a

Senator from the State of Illinois, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BURRIS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will resume consideration of the Helping Families Save Their Homes Act. The time until 10:50 will be equally divided and controlled between Senators DODD and CORKER. At 10:50 a.m., the Senate will proceed to vote in relation to the Corker amendment.

The Senate will recess from 12:30 until 2:15 to allow for the weekly caucus lunches. We have still a large number of amendments that could possibly be debated and voted on today. But it appears that we should not have more than maybe six or seven votes, something like that.

The managers are working on the bill, and we should be able to finish it without a lot of trouble today. So there will be votes throughout the day. We do not expect any more votes until after the caucus.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader.

REPLACING JUSTICE SOUTER

Mr. MCCONNELL. Mr. President, Justice Souter's decision last week to retire from the Supreme Court presents us with an opportunity to prepare for

an important debate about the role of the courts and the meaning of the Constitution. Of all the Senate's duties, few have come to enliven our civic life as much as the consideration of a Supreme Court nominee.

Justice Souter never made a secret of the fact that he prefers New Hampshire to Washington, and the fact that he has served so long in spite of that preference speaks of a deep commitment to public service. As Justice Souter returns to New Hampshire, we thank him for his many years of dedicated service.

Now attention turns to the President's eventual nominee.

Republicans are hopeful that President Obama will choose someone with the same qualities that have always characterized a good judge: superb legal ability, personal integrity, sound temperament, and, above all, an evenhanded reading of the law.

These are the qualities Americans have always looked for in their judges. Any judge who has them can fulfill his or her judicial oath to "administer justice without respect to persons and do equal right to the poor and to the rich." And these are the qualities that we should expect of any nominee to the highest court in the land.

Over the years, there has been a growing tendency among some on the left to pick or promote judges based on policy and political preferences, and President Obama's past statements on judicial appointments strongly suggest that he shares this view.

As a candidate for President, he said that his criteria for a judicial nominee would be someone who would empathize with particular parties or particular groups. This viewpoint was evident again last week when, in describing a good nominee, the President seemed to stress empathy over and above a judge's role of applying the law without prejudice.

The problem with this philosophy is that it arises out of the misguided notion that the courts are simply an extension of the legislative branch rather

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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